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Howard Hughes Properties, Inc.
and The Howard Hughes Company, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HOWARD HUGHES PROPERTIES, INC.
AND THE HOWARD HUGHES
CORPORATION

Plaintiffs/Counterdefendants,
v.

KERN RIVER GAS TRANSMISSION
COMPANY

Defendant/Counterclaimants.

§ CASE NO. 2:09-cv-00657-RLH-LRL
§
§
§

§ **PLAINTIFFS' EMERGENCY MOTION
TO RELEASE COPIES OF SEALED
DOCUMENTS TO COUNSEL FOR
HUGHES**
§
§ **EXPEDITED DISPOSITION REQUESTED**
§
§

Plaintiffs/Counterdefendants Howard Hughes Properties, Inc. and The Howard Hughes Company, LLC (f/k/a The Howard Hughes Corporation) ("Hughes") file this Emergency Motion to Release Copies of Sealed Documents to Counsel for Hughes and would respectfully show the Court the following:

I.
ARGUMENT

On June 11, 2010, Hughes filed a Notice of Appeal (Docket No. 152) from the sealed final Judgment entered in this action on May 13, 2010 (Docket No. 150), and all prior rulings made in the case including the sealed Order entered on May 13, 2010 (Docket No. 149), the Order entered on January 20, 2010 (Docket No. 109), and the sealed Order entered on December 1, 2009 (Docket No. 94).

The docket in this case appears to contain forty-eight sealed entries, as they do not appear on the public docket sheet. Because these records do not appear on the docket sheet, Hughes cannot access the file-stamped copies of these documents and cannot determine if it indeed has copies of all documents filed in this action. Specifically, Docket Nos. 19, 20, 28, 29, 30, 31, 35, 36, 40, 48, 49, 50, 67, 68, 71, 72, 73, 76, 77, 85, 94, 96, 97, 111, 115, 116, 117, 118, 119, 120, 125, 126, 127, 128, 129, 130, 131, 134, 135, 136, 137, 138, 139, 145, 148, 149, 150, and 151 are missing from the docket sheet that is available to the parties. To the extent that additional documents are sealed, Hughes does not have access to file-stamped copies of those sealed documents. All sealed entries are relevant to Hughes' appeal.

Counsel for Hughes was informed by a Clerk in the Docketing Department that an order from the Court was needed to release a copy of the complete docket sheet and file-stamped copies of the sealed documents to Hughes' counsel. Hughes therefore requests that the Court order the Clerk's Office to release a copy of the complete docket sheet, including all sealed entries, and file-stamped copies of each sealed document (plus all exhibits) to its counsel, Douglas A. Daniels of Bracewell & Giuliani LLP.

Because so many documents were filed under seal in this matter that do not appear on the docket sheet and are not available to counsel of record through the Court's electronic filing

system, Hughes' counsel does not have a complete docket sheet or a complete set of file-stamped pleadings and orders in this matter. File-stamped copies will be sent to the Ninth Circuit as part of the appeals process, and Hughes needs copies of these documents in order to prosecute its appeal. If it pleases the Court, Hughes is willing to pay for the costs of obtaining file-stamped copies of the above-referenced documents.¹ Hughes respectfully requests that the Court treat this as an emergency motion and order the requested relief as soon as possible, but no later than before the record is delivered to the Ninth Circuit.

II.
CONCLUSION

For the reasons stated, the Court should order the Clerk's Office to release a copy of the complete docket sheet, including sealed documents, and file-stamped copies of each sealed document (plus exhibits) to Douglas A. Daniels of Bracewell & Giuliani LLP, counsel for Howard Hughes Properties, Inc. and The Howard Hughes Company, LLC.

DATED: June 17, 2010

Respectfully submitted,

/s/ Douglas A. Daniels

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¹ Hughes understands from the Docketing Department's office that file-stamped copies are charged at 10 cents per page.

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**Attorneys for Howard Hughes Properties, Inc. and
The Howard Hughes Company, LLC**

IT IS SO ORDERED.

The Clerk of Court shall forthwith release a copy of the complete docket sheet, including sealed entries, and file-stamped copies of each sealed document (plus exhibits) to counsel for plaintiff. Plaintiff shall pay for the costs of obtaining file-stamped copies of the sealed documents.



U.S. Magistrate Judge
6-21-10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2010, a true copy of the foregoing **Plaintiffs' Emergency Motion to Release Copies of Sealed Dockets to Counsel for Hughes** has been forwarded to the following counsel of record pursuant to the Federal Rules of Civil Procedures via the Court's electronic filing service:

Mr. John A. Snow
Mr. Stephen K. Christiansen
VanCott, Bagley, Cornwall & McCarthy, P.C.
36 South State Street, Suite 1900
Salt Lake City, Utah 84111-1478

/s/ Douglas A. Daniels

Douglas A. Daniels